RCE/28/8 MS RCE IT-W

PATENT

0717-0446P



IN THE U.S. PATENT AND TRADEMARK OFFICE

Atsushi SHIMONAKA

Conf.:

8768

Appl. No.:

09/670,820

Group:

2815

Filed:

September 28, 2000

Examiner: Landau, M.C.

For:

SEMICONDUCTOR LASER ELEMENT AND ELECTRONIC DEVICE USING THE SAME

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114

MS RCE

Commissioner for Patents P.O. Box 1450

August 2, 2004

Alexandria, VA 22313-1450

08/03/2004 HGUTEMA1 00000048 09670820

Sir:

01 FC:1801 02 FC:1202 03 FC:1251

770.00 OP 36.00 OP 110.00 OP

This is a "Request' for Continued Examination" under 37 C.F.R. § 1.114, the provisions of which do not apply to:

(1) A provisional application; (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) An international application filed under 35 U.S.C. §363 before June 8, 1995; (4) An application for a design patent; or (5) A patent under reexamination.

Submission of an RCE is limited to an application in which prosecution is closed; e.g. final rejection, Ex Parte Quayle; or notice of allowability

- This Request for Continued Examination is being filed prior to the earliest of:
 - (1) Payment of the issue fee, unless a petition under \$ 1.313 is granted; (2) Abandonment of the application; or (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. \$ 141, or the commencement of civil action under 35 U.S.C. §\$ 145 or 146, unless the appeal or civil action is terminated.
- The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The enclose	d document	is being	transmi	tted	via fac	simile	€.	
Submission	Required u	nder 37 C.	F.R. §	1.114	<u>:</u>			
						previo	ously	
Enter as pa	rt of the	present su	bmissio	n:				
The After Final Amendment(s) previously filed on June 29, 2004, under 37 C.F.R. § 1.116 but unentered, in the present application.								
		Appeal Br	ief or	Reply	Brief p	previo	ously	
_	••	·			eto. Cla	aim fe	ee(s)	
	TOTAL	TOTAL NUMBER OF	NUMBER	Large Entity		Small Entity		
	CLAIMS PREVIOUSLY PAID FOR	CLAIMS BEING FILED HEREWITH	BAIRA	Rate	Fee	Rate	Fee	
Total Claims	22	22 =	2	X 18	\$36.00	х 9	\$	
Independent Claims	3	3 =	0	X 86	\$	X 43	\$	
FIRST PRESENTATION OF A MULTIPLE 290 \$ 145 \$ DEPENDENT CLAIM							\$	
TOTAL CLAIM FEE(S)\$36.00								
form(s) is/are			•	•			
Miscellaneo	us							
Suspen applic a peri	sion of ation is re	equested u	nder 37 months.	C.F.	R. § 1.1	103(c)	for	
	Submission Do NO' filed Enter as particled The Arizan are care Argume filed A Replare care Total claims Independent Claims FIRST DEPEND An Inferior (seconsided) Other: Miscellaneo Suspenda periode a peri	Do NOT enter the filed on use the filed	Submission Required under 37 C. Do NOT enter the After Filed on under 37 C. Enter as part of the present su The After Final Amendment 29, 2004, under 37 C.F.R. present application. Arguments in the Appeal Br filed on . AREPLY Under Rule 1.111, are calculated as set fort TOTAL NUMBER OF CLAIMS PREVIOUSLY PAID FOR FILED HEREWITH Total 22 22 = Claims Total 22 22 = Independent 3 3 = Claims FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM Total Claims An Information Disclosure form(s) is/are attached consideration. Other: Miscellaneous Suspension of action application is requested una period of () is	Submission Required under 37 C.F.R. \$ □ Do NOT enter the After Final American filed on under 37 C.F.R. \$ Enter as part of the present submission □ The After Final Amendment(s) present application. □ Arguments in the Appeal Brief or filed on . □ A Reply Under Rule 1.111, attache are calculated as set forth below □ TOTAL NUMBER OF CLAIMS PREVIOUSLY PAID FOR FILED HEREWITH □ Total 22 22 22 2 2 2 2 2 2 1 1 2 2 2 2 2 2 2	Submission Required under 37 C.F.R. § 1.114 Do NOT enter the After Final Amendment filed on under 37 C.F.R. § 1.116 Enter as part of the present submission: The After Final Amendment(s) previous 29, 2004, under 37 C.F.R. § 1.116 but present application. Arguments in the Appeal Brief or Reply filed on . Arguments in the Appeal Brief or Reply filed on . A Reply Under Rule 1.111, attached her are calculated as set forth below: TOTAL NUMBER OF CLAIMS PREVIOUSLY PAID FOR FILED Rate EXTRA Total 22 22 = 2 X 18 Claims Total 22 22 = 2 X 18 Claims FIRST PRESENTATION OF A MULTIPLE 290 DEPENDENT CLAIM TOTAL CLAIM FEE (S An Information Disclosure Statement (Inform(s) is/are attached hereto for consideration. Other: Miscellaneous Suspension of action on the application is requested under 37 C.F. a period of () months. (Per	Submission Required under 37 C.F.R. § 1,114: Do NOT enter the After Final Amendment(s) riled on under 37 C.F.R. § 1.116. Enter as part of the present submission: The After Final Amendment(s) previously file 29, 2004, under 37 C.F.R. § 1.116 but unentered present application. Arguments in the Appeal Brief or Reply Brief riled on Arguments in the Appeal Brief or Reply Brief riled on Arguments in the Appeal Brief or Reply Brief riled on Arguments in the Appeal Brief or Reply Brief riled on Arguments in Total NUMBER of CLAIMS PREVIOUSLY BEING PAID FOR CLAIMS PREVIOUSLY BEING FILED HEREWITH Total 22 22 = 2 x 18 \$36.00 Total 22 22 = 2 x 18 \$36.00 Total Claims Argument 3 3 = 0 x 86 \$ Claims FIRST PRESENTATION OF A MULTIPLE 290 \$ TOTAL CLAIM FEE(S)\$36.00 An Information Disclosure Statement (IDS) and form(s) is/are attached hereto for the form on the above-consideration is requested under 37 C.F.R. § 1. a period of () months. (Period of septiments)	□ Do NOT enter the After Final Amendment(s) previous filed on under 37 C.F.R. § 1.116. Enter as part of the present submission: □ The After Final Amendment(s) previously filed on 29, 2004, under 37 C.F.R. § 1.116 but unentered, in present application. □ Arguments in the Appeal Brief or Reply Brief previous filed on □ A Reply Under Rule 1.111, attached hereto. Claim for are calculated as set forth below: □ TOTAL NUMBER OF CLAIMS PREVIOUSLY PAID FOR FILED HEREWITH □ Total 22 22 = 2 X 18 \$36.00 X 9 □ Independent 3 3 = 0 X 86 \$ X 43 Claims □ FIRST PRESENTATION OF A MULTIPLE 290 \$ 145 □ DEPENDENT CLAIM TOTAL NUMBER (S)\$36.00 □ An Information Disclosure Statement (IDS) and PTOform(s) is/are attached hereto for the Examination consideration. □ Other: Miscellaneous □ Suspension of action on the above-identic application is requested under 37 C.F.R. § 1.103(c) a period of () months. (Period of susper	

\boxtimes	Fees

A CONTRACTOR OF THE STATE OF

The required fee under 37 C.F.R. § 1.17(e) as required by 37 C.F.R. § 1.114 when the RCE is filed, is enclosed herewith:

- \boxtimes \$770.00 large entity
- The applicant(s) hereby petition(s) for an extension of one (1) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:
 - NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$110.00 is required for the full period of the above-requested extension of time.
 - An extension of () month(s) was previously requested and paid for on in the instant application. Thus, a fee of \$0.00 is required to obtain an additional () month(s) extension.
- The fee of \$130.00 under 37 C.F.R. § 1.17(i) for suspension of action is enclosed.
- Enclosed is (are) check(s) in the total amount of \$916.00 for the applicable filing fee, additional claims fee, suspension fee, and/or extension fees.
- Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Terrell C. Birck, #19,382

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

TCB/WLG/mpe 0717-0446P

Attachment(s)

(Rev. 02/12/2004)